

1904-036 Chancery Causes: Adm. of Charles E. Baylor vs. W. D. Thompson &
Lee Co.

Hyatt, Yearry, O. M. Yearry & Co]

CA-Debt

T-Property

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

Your petitioner, J.A.G.Hyatt, administrator ~~de bonis non~~ with the will annexed of the estate of Charles E.Baylor deceased, would respectfully show unto your honor that his testator Charles E.Baylor, who was a citizen of this county, departed this life on the ___ day of May 190L, after first having made and executed his last will and testament; that on the 24th day of May, 190L, L.H.Baylor and Jennie H.Baylor, the executors named in said will, qualified and gave bond as such executors before the County Court of Lee County; that on the 19th day of August, 190L said L.H. Baylor and Jennie H.Baylor, resigned as such executors, which resignation was accepted by the County Court of Lee County, and upon the same day your petitioner was by said Court appointed, and qualified and gave bond as administrator ~~de bonis non~~ with the will annexed of said estate.

Your petitioner will now show your Honor that on the 4th day of September, 1899, one W.D.Thompson executed and delivered to your petitioner testator a bond whereby he bound himself to ^{pay to} said testator Chas.E.Baylor on or before the said 4th day of September, 1899, the sum of \$33.64, and therein expressly waiving the benefit of his homestead exemption as to said debt. A true copy of said bond is herewith filed as part hereof marked "Exhibit No.1". Although said sum so evidenced by said bond has long since become due and payable, said W.D.Thompson failed and refused to pay ^{or any part thereof} the same to said Baylor in his life time, and likewise failed and refused to pay the same ^{or any part thereof} to said L.H. and Jennie H.Baylor Executors of the last will and testament of said testator, and he has wholly failed and refused to pay the same or any part thereof to your petitioner, and the said sum of \$33.64 and every part thereof is still due and owing to your petitioner as such administrator of said Baylor's estate.

Your petitioner will now show your Honor that said W.D.Thompson, has since the execution of said bond removed from this state,

and that he is now a non-resident of the state of Virginia.

Your petitioner will further show your Honor that said W.D. Thompson is the owner of valuable real estate lying near Douglass in Lee County, Virginia, to-wit: a one-sixth undivided interest in and to a certain tract or parcel of land, which was owned by his father S.B. Thompson, deceased, at the time of his death, which tract of land contains about ____ acres; and a one-half undivided interest in and to another certain tract or parcel of land, which was conveyed, by deed dated the ____ day of _____, _____, to said W.D. Thompson and one M.B. Thompson jointly, by Cale Thompson, deceased. These two tracts of land are situated on the north side of Wallens Ridge near Beech Grove Church in Lee County, Virginia, and are bounded by the lands of M.O. Combs, J.W. Moore and W.H. Yeary.

Your petitioner will now show unto your Honor that at the 2nd May rules 1903, O.M. Yeary, W.H. Yeary and T.S. Yeary, partners in trade under the firm name and style of O.M. Yeary & Co. filed their bill in chancery in your Honor's Court, whereby they seek to enforce ^{against the hereinbefore described real estate} the lien of a judgement in their favor for the sum of \$143.37 with interest on \$121.00 part thereof from the 1st day of January, 1898, until paid, and on \$21.37 the residue thereof from the 10th day of December, 1902, till paid (subject to a credit of \$25.00 as of the 30th day of September, 1898) and \$7.96 costs; that ^{such} ~~said~~ proceedings were had in said cause that at the last July term of said Court a decree was rendered giving to said plaintiffs judgment for said sum aforesaid and appointing a special Commissioner, and directing him to sell said real estate or so much thereof as is necessary to pay off said debts interest and cost, but said Commissioner has never yet made said sale, and your petitioner states that said land is worth considerably more than enough to pay off the debt of said Yeary & Co. and to also pay off the debt of your petitioner.

Therefore being without adequate remedy at law, your petitioner prays that your Honor's Court of Chancery will take cognizance of his cause; that he may be allowed to come into said suit of O.M.

Yeary & Co. vs. W.D. Thompson, and be made a party thereto; that W.D. Thompson, and O.M. Yeary, W.H. Yeary and T.S. Yeary, be made parties defendant to this petition and be required to answer the same, but they need not do so under oath as answer under oath is expressly waived; that order of publication be made, published, posted and completed against said W.D. Thompson who is not a resident of the state of Virginia; that an attachment may issue out of the Clerk's office of this Court and be levied upon the hereinbefore described real estate of the said W.D. Thompson, to secure the same for the payment of petitioner's said debt; that upon a final hearing your petitioner as administrator aforesaid be given judgment for the said sum of \$33.64 with interest thereon at the legal rate of 6% per annum ~~xxxxxx~~ from the 4th day of September 1899, till paid; that said hereinbefore described real estate of the said W.D. Thompson be decreed to be sold as well for the payment of your petitioner's said debt as the judgment in favor of the said O.M. Yeary & Co., and for full and complete general relief. And he will ever pray &c.

L. T. Hyatt)
Geo. P. Cridlin) :-P_Q

J. A. G. Hyatt, advocate
vs. { Ex Chy.

W. D. Thompson et al

2 Petition

Filed Sept. 17th 1903.

A. B. Munsey Clerk.

1903. 1st October rules bill
filed attachment executed
and O. P. for non-resident
& Continued

" 2nd Oct rules O. P.
Complete & Cause set
for hearing

J. A. G. Hyatt, Administrator, &C.,

Plaintiff.

vs. (On a petition in chancery)

W. D. Thompson et al.,

Defendant.

On motion of the complainant, by ^{his} ~~their~~ counsel, it is
ordered that this cause be stricken from the docket.

J. A. G. Hyatt, Admr.
vs { Lucy
W. D. Thompson, et al

Decree Final

Eccl. CB, No. 7 P. 425

Enter this decree
Feb'y 20th 1904
H. C. W. Stung

ordered that this cause be stricken from the docket.

On motion of the complainant by their counsel, it is

W. D. Thompson et al.,

Defendant.

vs (On a petition in chancery)

J. A. G. Hyatt, Administrator, &c.,

Plaintiff.

O.M.Yeary & Co. Plaintiffs,
Against) In Chancery,
W.D.Thompson Defendant,

This cause came on this day to be heard upon the papers formerly read in the cause, the report of Commissioner M.G. Ely, and Deeds filed therewith and was argued by counsel:

On consideration of which said report and deed filed therewith is approved and confirmed, and said purchasers may with draw said deed for recordation and nothing further remaing to be done this cause is stricken from the docket.

F.M. Yeary & Co.

ps. $\{ \{$ Secretaries

W.D. Thompson

Entered in C.D.B.

No. 8 page 890c-

Enter this

for a share

Dec 11th 1908

"Exhibit No. 1"

\$33.64

Boons Path, Va. Sept. 4th, 1899.

On or before the 4 day of Sept. 1899, I promise and bind my, heirs, executors and assigns to pay Chas. E. Baylor Thirty three 64/ Dollars for value received, and hereby waive the benefit of my homestaed exemption as to this obligation.

Witness my hand and seal this the 4 day of Sept. 1899.

W. D. Thompson (Seal)

_____ (Seal)

S. D. Thompson (Stamp here)

_____ (Seal)

J. A. S. Hyatt, Admr.

vs. J. M. Cley

W. D. Thompson

"Exhibit No. 1"

Memorandum of Lis Pendens.

Circuit Court of Lee County, Virginia:

J.A.G. Hyatt, Administrator, with the will annexed of the estate
of Charles E. Baylor, deceased; - - - - - Plaintiffs.

vs.

W. D. Thompson et al.. - - - - - Petition In Chancery.
- - - - - Defendants

The general object of the above styled cause, which is pending in the Circuit Court for Lee County, Virginia, is to attach, and subject to the payment of a debt of \$33.64 with interest thereon from the 4th day of September, 1899, due by the said W.D. Thompson to the said J.A.G. Hyatt, administrator of the estate of Charles E. Baylor deceased, the following described real estate, to-wit:

A one-sixth undivided interest owned by the said W.D. Thompson in a certain tract or parcel of land, which was formerly owned by his father S.E. Thompson, deceased, at the time of his death, which tract of land contains about ____ acres; and a one-half undivided interest which said W.D. Thompson owns, in another certain tract or parcel of land which was conveyed to him and one M.E. Thompson, jointly by one Cale Thompson, now deceased. These two tracts of land are situated on the north side of Wallens Ridge, near Beech Grove Church in Lee County, Virginia, and are bounded by the lands of M.O. Combs, J.W. Moore and W.H. Yeary, and is all the real estate owned by said W.D. Thompson in Lee County, Virginia.

The names of the person whose estate is intended to be affected by this suit is W.D. Thompson.

This the 17 day of September, 1903.

J. A. G. Hyatt
Administrator with the will annexed, of the estate of Chas. E. Baylor deceased.

By Counsel.

Virginia, Lee County to-wit;

In the Office of the Clerk of the County Court for said County, the 17th day of September 1903. The foregoing writing was presented, and admitted to record.

Teste; Henry J. Morgan Deputy Clerk.

J. A. G. Hyatt adm. re
vz. Attch. in Chy

W. D. Thompson

Memo. of His Pudence

Recorded in Tent
Book No. 40 page 529

Examined Sept. 18 1903

Endorsed

Clark 75-cts-

Filed for Record.

Sep 17-20 Oct 1903

H. J. Morgan D. L.

In the Clerk's Office of the Circuit Court of the County of
Lee September 17th 1903

J. A. S. Hyatt, administrator
of the will annexed, of the estate Petition
of Chas. E. Baylor, deceased. - - - - plaintiff in
against Equity.
W. D. Thompson, C. M. Year, W. H
Year, and J. S. Year - - - - Defendants

This day J. A. S. Hyatt made oath before me, A. B. Munsey
Clerk of the said Court, that the claim of the plaintiff asserted in this suit amounts to \$33.64
with interest from 4th day of September 1899 till paid.
and is just; that there is present cause of action therefor; that the defendant W. D.
Thompson is not a resident
resident of this State; and that he (the affiant) believes the said defendant has

W. D. Thompson
has S. estate or debts due within the said County of Lee

Given under my hand as clerk of the said court, the day and year first above written.

A. B. Munsey Clerk

J. A. & Hazatt Admrsc

Affidavit for Attachment

vs. }

vs.

Estate of Non-Resident Debtor.

W. D. Thompson et al

Filed Sept 17th 1903.

A. B. Munsey Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

J. A. G. Hyatt administrator, with et al
will annexed of the estate of Chas. E.
Baylor, deceased - - - - - Plaintiff
against

Petition
in
Equity

W. D. Thompson, C. M. Yeary, W. H.
Yeary and T. S. Yeary - - - Defendant

This day J. A. G. Hyatt personally appeared
before me A. B. Mearsey Clerk of the said Court,
and being duly sworn, made oath that W. D. Thompson

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 17th day of Sept. 1903-

A. B. Mearsey Clerk

J. A. G. Hyatt, Adm'r

vs. { AFFIDAVIT FOR ORDER
OF
PUBLICATION.

M. A. Thompson et al

Hyatt & Ludlin p. q.

Filed Sept. 17th 1903.
A. B. Munsey Clerk

In the Clerk's Office of the Leicant Court of the County of
Lee on the 17th day of September 1903.

against

J. A. S. Hyatt Admoe

Plaintiff

In Chancery

W. D. Thompson, O. M. Yeary

W. H. Yeary and L. S. Yeary

Defendants

The object of this ^{Petition} ~~suit~~ is to attach the real estate of the defendant
W. D. Thompson situated in Lee County, Virginia,
and described in said petition, and subject the same
to the payment of the plaintiff's debt of \$33.64 with
interest thereon at the rate of 6% per annum from
the 4th day of September 1899, till paid and the costs
of this petition.

And an affidavit having been made and filed that the defendant W. D. Thompson

is ^a not resident of the State of Virginia, it is ordered that he do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect his interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the Southwest
Virginian, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

L. T. Hyatt and Geo. P. Bridlin p. q.

A. B. Munsey Clerk.

J. A. G. Hyatt Admroe

vs. {

ORDER OF
PUBLICATION.

W. D. Thompson et al

Virginia Lee County to-wit:
I A. B. Munsey, Clerk of the
Circuit Court for Lee County,
Va., do hereby Certify that
I posted a copy of the within
at the front door of the Court
house of Lee County, on the
first day of September
Term of the County Court
for said County.

Given under my hand
this the 22nd day of Sept 1923

A. B. Munsey Clerk

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *W. D. Thompson, O. M. Yeary*
W. H. Yeary and T. S. Yeary

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *1st* Monday in *October* 190*3*,
to answer to a ^{*Petition*} ~~bill~~ in chancery, exhibited against *them* in our said Court by
J. A. G. Hyatt Adminr &c

And have: then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *17th* day of *September* 190*3*, and in the
12 *8th* year of the Commonwealth.

A. B. Munsey Clerk

The necessary affidavit having been made and filed, the officer to whom this process is directed is ^{hereby} ordered to attach the following real estate, in Lee County, the property of W.D.Thompson, to-wit: a one-sixth undivided interest in and to a certain tract or parcel of land, lying near Douglas in Lee County, which was formerly owned by the said W.D.Thompson's father S.B.Thompson, now deceased; and also a one-half undivided interest in and to a certain other tract of land which also lies near Douglas and was conveyed to the said W.D.Thompson and one M.B.Thompson jointly by one Cale Thompson, now deceased; both of said tracts lying on the north side of Wallens Ridge, near Beech Grove Church in Lee County, Virginia, bounded by the lands of M.O.Combs, J.W.Moore and W.H. Yeary, and is all the real estate owned by the said W.D.Thompson in Lee County.

Given under my hand this the 17th day of September, 1903.

A.B. Munsey Clerk.

Form No. 300

J.A.H. Hyatt Adm'r

SUBPOENA
IN
CHANCERY.

vs.

W.D. Thompson et al

Hyatt & Heridlin p.q.

To 1st October Rules

1903. Lee Circuit Court.

Levied on the following real estate of the defendant W.D. Thompson, to-wit: a one-sixth undivided interest in and to a certain tract or parcel of land, lying near Douglas, Lee County, Virginia which was formerly owned by the said W.D.Thompson's father, S.B. Thompson, now deceased; and also a one-half undivided interest in and to a certain other tract of land, which also lies near Douglas, and was conveyed to the said W.D.Thompson and one M.B.Thompson jointly by one Cale Thompson, now deceased, both of said tracts lying on the north side of Wallens Ridge, near Beech Grove Church in Lee County, Virginia, bounded by the lands of M.O.Combs, J.W.Moore and W.H.Yeary, and being all the real estate owned by the said W.D.Thompson in Lee County, this the 17th day of September, 1903.

F.B. Rymington
Deputy Sheriff for W.J. Milham Sheriff of Lee Co. Va.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *W. D. Thompson, O. M. Yeary,*
W. H. Yeary and T. S. Yeary

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *1st* Monday in *October* 190*3*,
to answer to a ^{*Petition*} ~~bill~~ in chancery, exhibited against *them* in our said Court by
J. A. G. Hyatt Adm'r &c

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *17th* day of *September* 190*3* and in the
12 *8th* year of the Commonwealth.

A. B. Munsey Clerk

The necessary affidavit having been made and filed the officer to whom this process is directed is hereby ordered to attach the following real estate in Lee county, the property of W.D. Thompson, to-wit: a one sixth undivided interest in and to a certain tract or parcel of land, lying near Douglas in Lee county, which was form-

erly owned by the said W.D. Thompson's father S.B. Thompson, now deceased; and also a one half undivided interest in and to a certain other tract of land which also lies near Douglas and was conveyed to the said W.D. Thompson and one M.B. Thompson jointly by one Gale Thompson, now deceased; both of said tracts lying on the North side of Wallen's Ridge, near Beech Grove Church in Lee county, Virginia, bounded by the lands of M.O. Combs, J.W. Moore and W.H. Yeary, and is all the real estate owned by the said W.D. Thompson in Lee county.

Given under my hand this the 17th day of September, 1903.

A.B. Munsey clerk.

J. A. H. Hyatt Adm.

SUBPOENA
IN
CHANCERY.

vs.

W. D. Thompson et al

Hyatt & Herdlin p. q.

To 1st October Rules

1903. Lee Circuit Court.

Executed Sept 29-1903
by delivering a true copy
of the within summons
to, and to Thompson et al
of Steve Thompson, Clerk
of the court on the lands of
W.D. Thompson. On or before
the 1st of October and J. S. Yeary
W. H. Yeary and J. S. Yeary
D. B. Rynnington D. S. C.
for W. J. Mulheim S. L. C.

**CERTIFICATE OF
ORDER OF PUBLICATION.**

I
We, ~~C. S. Cox~~ and C. R. Sprinkle,
Editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at Jones-
ville, Lee county, Virginia, do hereby
certify that the annexed notice was
published in said paper once a week
for four successive weeks, commenc-
ing on the *24th* day of

September, 190*3*.

C. R. Sprinkle
_____, EDITORS.

FEE, \$ *6.40*.

ORDER OF PUBLICATION.

VIRGINIA—In the Clerk's Office of the
Circuit Court of the County of Lee on
the 17th day of September 1903.

J. A. G. Hyatt, Adm'r. &c. Plff.
vs.

W. D. Thompson, O. M. Yeary, } In Ch'y.
W. H. Yeary and T. S. Yeary }
Deft's.

The object of this Petition is to attach the
real estate of the defendant W. D. Thomp-
son situated in Lee county, Virginia, and
described, in said Petition, and subject the
same to the payment of the Plaintiff's debt
of \$33.64 with interest thereon at the rate of
6 per cent. per annum from the 4th day of
September 1899, till paid. And an affidavit
having been made and filed that the de-
fendant W. D. Thompson is not a resident
of the State of Virginia, It is ordered that
he do appear here within fifteen days after
due publication hereof, and do what may
be necessary to protect his interest in this
suit. And it is further ordered that a copy
hereof be published once a week for four
successive weeks in the Southwest Virginian,
and that a copy be posted at the front door
of the court-house of this County on the
first day of the next term of the County
Court.

A copy—Teste:

A. B. MUNSEY, Clerk.

L. T. Hyatt & Geo. P. Criddle, p. q.

92446

**CERTIFICATE OF
ORDER OF PUBLICATION.**

We, C. S. Cox and O. R. Spinkle,
Editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at Jones-
ville, Lee county, Virginia, do hereby
certify that the annexed notice was
published in said paper once a week
for four successive weeks, commenc-
ing on the _____ day of

190

EDITORS.

FEE, \$

J. A. G. Hyatt aduer
vs. { In Chy

W. D. Thompson adal
Printer's Certificate
Order of Publication

Fee \$6.40